

Memorandum

To: Planning Commission
From: Julianne Thomas, Planner
Alex Score, Biologist
Date: April 20, 2006
Re: Request for Future Land Use Map Amendments

MEETING DATE: April 26, 2006

RE NUMBER: 00081720.000300

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R), Residential High (RH) and Airport District (AD)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition Corp.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 233,995.5 S.F. or 5.37 acres

RE NUMBER: 00081720.000302

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Art League Inc.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 22,104 S.F. or 0.51 acres

RE NUMBER: 00081740.000302

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Volunteer Fire Dept.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 47,591.12 S.F. or 1.09 acres

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. This property is the site of the Ocean Reef Art League Building, the Ocean Reef Public Safety office/fire station and some vacant land at the South end of the airport runway. The property changing from Recreation (R) to Mixed Use/Commercial (MC) is legally described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300. The property changing from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) is legally described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00081720.000300.

Existing Use:

The property is currently occupied by a variety of uses including the Art Club and a Public Safety building. There is also some vacant land at the South end of the airport runway.

Existing Habitat:

The property is disturbed with a planted buffer and landscaping of both native and exotic species.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property disturbed in panel #335.

Neighboring Land Uses and Character:

The surrounding properties are a variety of uses. Most of the parcels contain golf course or open space. The airport runway is to the northwest. A 20,700 sq. ft. medical center is being constructed to the northeast. There are single family homes to the South and East.

ZONING AND LAND USE HISTORY**Pre – 1986 Zoning:**

The subject properties were zoned RU-3, RU-1 and GU prior to 1986. The RU-3 designation was for multiple family residential in which multiple family dwelling or apartments may be constructed and occupied. RU-1 or single family residential district was intended to provide residential areas consisting of lots having an area of at least eight thousand square feet. GU was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with FLUM designations of Residential High (RH), Recreation (R), and Airport District (AD).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The original designations were not consistent with the original zoning of Sparsely Settled (SS) nor are the designations consistent with the current zoning of Sub Urban Commercial (SC).

Map changes or boundary considerations since 1986:

These parcels were changed from SS to SC under a development agreement with Ocean Reef but the FLUM was not changed at the same time. Staff is seeking this change to make the zoning consistent with the FLUM designation.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)**(i.) Changed projections:**

None

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

(iii.) Data errors:

None

(iv.) New issues:

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. Staff would like to remove these inconsistencies and allow full development of these parcels.

(v.) Recognition of a need for additional detail or comprehensiveness:

The current zoning of SC properly reflects the uses which occupy the parcel. In order for these critical uses to continue, the FLUM needs to be changed to be consistent with this zoning.

(vi.) Data updates:

None

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The property has a current FLUM designation of Recreation (R), Residential High (RH) and Airport District (AD) which is inconsistent with the SC land use district map designation.

Policy 101.4.4

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

Policy 101.4.9

The principal purpose of the Recreation land use category is to provide for public and private activity-based and resource-based recreational facilities.

Policy 101.4.16

The principal purpose of the Airport District land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a future land use map amendment from Recreation (R), Residential High (RH) or Airport District (AD) to Mixed Use Commercial (MC).

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the FLUM from R, RH, or AD to MC will not have any effect on community character because the FLUM of MC is consistent with the current SC zoning. The same is true for compatibility with adjacent land uses. These parcels are already being utilized with Sub Urban Commercial purposes and these FLUM changes only recognize current use and will allow Ocean Reef to continue to develop and utilize the commercial areas within its development.

Use Compatibility

The parcels are currently being used for community and commercial purposes. A change in the FLUM will allow these parcels to be developed to its greatest potential under its current SC zoning.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage

conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

The Land use designation change and FLUM change will allow the parcel to be developed to its fullest potential and minimize the need to build or clear environmentally sensitive lands to provide services to the community.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. In accordance with **Section 9.5-511 (d) (5) (b):**

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iv.) New issues

Staff identified this parcel as have inconsistent zoning and FLUM designations. Research showed that a land use designation change occurred in 1996 under a development agreement with Ocean Reef but the corresponding FLUM designations were never updated. Staff is attempting to remove these inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject properties were zoned RU-3, RU-1 and GU prior to 1986.

4. The subject properties were assigned zoning of Sparsely Settled (SS) in 1986.
5. The subject properties were changed to a Sub Urban Commercial (SC) Land Use Designation in 1996 pursuant to an agreement between Ocean Reef and Monroe County.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential High (RH), Recreation (R), and Airport District (AD) for the SS parcel.
7. The FLUM designations were not changed in 1996 when the Land Use Designation was changed.
8. The FLUM designation for these properties should be Mixed Use Commercial (MC).
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
10. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
11. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff and DRC recommends **APPROVAL** to the Planning Commission for the proposed Future Land Use Map amendments from Recreation (R) to Mixed Use/Commercial (MC) for real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) having real estate number: 00081720.000300.